IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.5576 OF 2003

Shri Suraj Motilal Gupta, .. Petitioner

Vs

Shri Shyam Bihari Ramparvesh Mishra.. Respondent

Ms Gauri Godse, for the petitioner.

Mr S.G.Deshmukh, for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 22nd November, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Mr Deshmukh, learned counsel for the respondent, at the outset, on instructions, submitted that the respondent-plaintiff will take immediate steps either to keep Mahesh Wagh, whose affidavit of examination-in-chief is filed on record, present in the Court for cross-examination or for issue of a commission for his cross-examination by the petitioner-defendant. In view of the statement made by Mr Deshmukh, Ms Godse, learned counsel for the petitioner-defendant, did not press this petition. However, she submitted that the defendant may be allowed to examine Mr H.T.Gajjar as his witness. It is open for the petitioner to examine

anybody as his witness after the plaintiff closes his evidence. In view of the statements made by the learned counsel for the parties, this petition stands disposed of.

(D.B.BHOSALE, J.)